

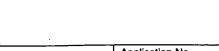
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/493,686	01/28/2000	Carl Pinsky	9029-6MIS:jb	2539		
7	590 09/03/2002					
Sim & McBurney 6th Floor 330 University Avenue Toronto, ON M5G1R7			EXAM	EXAMINER		
			STRECKER,	STRECKER, GERARD R		
CANADA			ART UNIT	PAPER NUMBER		
			2862			
			DATE MAILED: 09/03/2002			

Please find below and/or attached an Office communication concerning this application or proceeding.



	Application No. 09/493.686

Applicant(s)
PINSKY ET AL

Offic	Action Summary				
		Examiner G.R. STRECKE	īR	Group Art Unit 2862	
-The MAILI	NG DATE of this communication appears o	on the cover sheet bene	ath the co	rrespondence a	ddress —
riod for Reply					
SHORTENED STA	ATUTORY PERIOD FOR REPLY IS SET TO ICATION.	EXPIRE	MONTH(S) FROM THE M/	AILING DATE
from the mailing di - If the period for rep - If NO period for rep - Failure to reply with - Any reply received	may be available under the provisions of 37 CFR 1. ate of this communication. bly specified above is less than thirty (30) days, a reply is specified above, such period shall, by default, thin the set or extended period for reply will, by statubly the Office later than three months after the mailings 37 CFR 1.704(b).	bly within the statutory minimu expire SIX (6) MONTHS from the cause the application to be	ım of thirty (3 the mailing d ecome ABAN	0) days will be cons ate of this commun NDONED (35 U.S.C.	sidered timely. ication. § 133).
Status	, ,				
Responsive to	communication(s) filed on $\frac{6}{12}$	02			·
⊤☐ This action is I					
☐ Since this app accordance w	lication is in condition for allowance except the the practice under <i>Ex parte Quayle,</i> 1935	for formal matters, prosec C.D. 1 1; 453 O.G. 213.	cution as t	to the merits is	closed in
Disposition of Clai	ms .				
Claim(s)	1-31 slaim(s) 1-11 and 16-31		is/are p	pending in the ap	plication.
					onsideration.
□ Claim/s)			in/oro c	illowed.	
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Claims 1-11 and 16-31 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 5.

Claims 12-15 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. It is not seen that the Hall effect or SQUID magnetometer probe arrangements disclosed are capable of identifying a chemical substance by detecting fluctuations in "spontaneous intra atomic electron and nuclear quantum states" of the chemical substance. The magnetometer probe arrangements would be incapable of discerning that any response to magnetic fields obtained by the magnetometer probes are due to or attributable to fluctuations in spontaneous intra atomic electron and nuclear quantum states of a chemical substance rather than some other magnetic energy phenomena. Sources of magnetic fields are ubiquitous and whether such magnetic fields detected by the disclosed magnetometer probe are produced as a result of spontaneous intra atomic electron and nuclear quantum states would be indeterminable or problematical.

Applicant, referring to the description at pages 11 to 20 of the specification and the specific working Examples, maintains that the claims clearly possess utility. It is the examiner's position, however, that although variations in magnetic field strength measurements may be obtained for different chemical substances, such measurements are not necessarily attributable to "fluctuations in spontaneous intraatomic electron and nuclear quantum states" of the substance.

Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill, Jr. et al.

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Hill et al discloses a method of detecting chemical substances utilizing stimulated emission. At column 1, lines 59-65, column 3, lines 55-64, column 5, lines 22-25, Hill et al recognizes that spontaneous emission can be used to detect such substances.

Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Schoenig, Jr. et al (4,620,100) or Schoenig, Jr. et al (4,620,099).

Schoenig, Jr. et al (100') and Schoenig, Jr. et al (099') both disclose systems for detecting a chemical substance by spontaneous emission. See Abstract of Schoenig et al (100') and claim 8 of Schoenig et al (099'). Use of either system would anticipate the recited method.

Pinsky et al (CIP of the present application) is made of record.

Any inquiry concerning this communication should be directed to G. R. Strecker at telephone number (703) 308-4937.

G.R. Strecker/mm

BERARD R. STRECKER

08/29/02